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09/922,487	08/03/2001	Christopher I. Halliday		7011
7590 Christina M. Halliday 900 Spring City Road Phoenixville, PA 19460		03/21/2007	EXAMINER BATES, KEVIN T	
			ART UNIT 2155	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/922,487	HALLIDAY, CHRISTOPHER I.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kevin Bates	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 January 2007.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 41-43, 45-53, 55-64 and 74-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 41-43, 45-53, 55-64, and 74-81 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

***Response to Amendment***

This Office Action is in response to a communication received on January 4, 2007.

Claims 41, 43, 52, 61, and 74-76 have been amended.

Claims 41-43, 45-53, 55-64, and 74-81 are pending in this application.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 41-43, 45-53, 55-64, and 74-81 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The newly amended independent claims, now contain the limitation "a single mobile receiver." No where in the specification does the description indicate that invention is limited to only one single receiver. The most relevant section of the specification is located in the first full paragraph on page 6, where the specification discloses a digital broadcasting unit, e.g., a satellite radio receiver. While this section shows that there is at least one satellite radio receiver, it does not give any details that

Art Unit: 2155

this is the only receiver and that this invention is different from any invention that contains more than one single receiver.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 41-43, 45, 47-48, 50-53, 55-56, 58, 61-64, 74-78, and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robbins (6317882) in view of Titlebaum (6549774) in further view of Owens (6067278).**

Regarding claim 41, Robbins teaches a method of customizing a selection of selecting a station among a plurality of stations (Column 11, lines 12 – 31), comprising the steps of:

receiving on a single (Column 40, lines 10 – 14; Figure 8(a), element 802, the receiving system) receiver a plurality of stations (Column 11, lines 29 – 31), each station comprising a digitally encoded stream containing designations representative of a work of authorship over a global communication network, said global communication network having a plurality of stations;

decoding a selected station from among the plurality of stations (Column 11, lines 13 – 22);

comparing the decoded station with a user designated work of authorship that was selectively saved in a memory by a user while the work of authorship (Column 6, lines 39 – 42) was playing to determine an indication that the user designated work of authorship is contained in the decoded station (Column 5, line 62 – Column 6, line 10) received by the receiver, wherein the step of comparing occurs while the receiver is providing audio to the user; and

alerting a user to a station other than the station that the user is currently listening to (Column 6, lines 52 – 67), wherein the other station is playing the user designated work of authorship (Column 5, lines 20 – 28),

Robbins does not explicitly teach that the global communication network is a satellite audio radio network or that the receiving device is a mobile receiver.

Owens teaches a time shifting system which receives radio broadcasts and is able to record those broadcasts (Abstract) which are mobile in such they are located in a vehicle such as an automobile.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Owen's disclosure of time shifting radio stations in an automobile in Robbin's system in order to perform the time shifting while driving in an automobile (Column 1, lines 8 – 11).

Titlebaum teaches a mobile radio station receiver (Column 3, lines 51 – 62) that receives and displays content/authorship information from the broadcast device (Column 4, lines 49 – 59) which includes receiving satellite radio (Column 3, lines 51 – 62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to expand Robbin's teaching of a radio alert system to look for additional types of radio communications that include authorship information in the transmission such as satellite radio found in Titlebaum, in order to allow Robbin's the increased functionality of working with even more types of radio and video communications.

**Regarding claim 42,** Robbins teaches the method of claim 41, wherein the step of comparing the decoded station with a user designated work of authorship further comprises the step of storing the designation representative of a work of authorship of the decoded station in a memory (Column 6, lines 43 – 51).

**Regarding claims 43 and 52,** Robbins teaches a method of selecting an audio or video digital broadcast among two or more audio or video digital broadcasts (Column 11, lines 12 – 31), comprising the steps of:

receiving a digitally encoded stream of at least two broadcast stations over a global communication network (Column 11, lines 29 – 31), wherein at least one broadcast station from the broadcast stations contains a station designation of a work of authorship as an indication of a work of authorship contained in a signal from the broadcast station;

decoding a broadcast station;

providing a user designation of a work of authorship (Column 11, lines 13 – 22);

storing the user designation of a work of authorship in a memory (Column 4, lines 15 – 19); comparing the user designation of a work of authorship with the station designation of a work of authorship at intervals (Column 35, lines 64 – 66); and alerting a user of desired content if a user designation of a work of authorship matches a station designation of a work of authorship (Column 6, lines 17 – 24).

Robbins does not explicitly teach that the global communication network is a satellite audio radio network or that the receiving device is a mobile receiver or that the interval is between .01 second and 3 minute.

Robbins teaches that the channel should be repeatedly scanned, repeatedly scanning signifies that the channel should be checked as much as reasonably possible and a reasonable range would be .01 seconds to 3 minute intervals.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a scanning interval in the range of .01 seconds to 3 minutes to ensure that all the ID codes are hit in a radio broadcast such as 30 second commercials.

Owens teaches a time shifting system which receives radio broadcasts and is able to record those broadcasts (Abstract) which are mobile in such they are located in a vehicle such as an automobile.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Owen's disclosure of time shifting radio stations in an automobile in Robbin's system in order to perform the time shifting while driving in an automobile (Column 1, lines 8 – 11).

Titlebaum teaches a mobile radio station receiver (Column 3, lines 51 – 62) that receives and displays content/authorship information from the broadcast device (Column 4, lines 49 – 59) which includes receiving satellite radio (Column 3, lines 51 – 62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to expand Robbin's teaching of a radio alert system to look for additional types of radio communications that include authorship information in the transmission such as satellite radio found in Titlebaum, in order to allow Robbin's the increased functionality of working with even more types of radio and video communications.

**Regarding claim 45**, Robbins teaches the method of claim 43, further comprising the steps of providing and recording desired content (Column 6, lines 4 – 10).

**Regarding claim 47**, Robbins teaches the method of claim 43, wherein the station designation of a work of authorship is provided to the user prior to a broadcast of the work of authorship (Column 6, lines 17 – 24).

**Regarding claim 48 and 58**, Robbins teaches the method of claims 43 and 52, wherein the work of authorship is selected from a group consisting of songs, books, movies, movie shorts; educational works, sports events (Column 6, lines 57 – 59).

**Regarding claim 50**, Robbins teaches the method of claim 43, wherein the user has the ability to listen to the work of authorship (Column 3, line 66 – Column 4, line 3).

**Regarding claim 51 and 60,** Robbins teaches the method of claims 43 and 52, wherein the step of saving work of authorship, in real-time, as the work of authorship is received (Column 6, lines 8 – 10).

**Regarding claim 53,** Robbins teaches the device of claim 52, further comprising a recording media for recording the user desired work of authorship in real time as it is provided over the global communication network (Column 6, lines 4 – 10).

**Regarding claim 55,** Robbins teaches the device of claim 52, further comprising a recording media for recording the user desired work of authorship in real time as it is provided over the global communication network (Column 6, lines 8 – 10).

**Regarding claim 56,** Robbins teaches the device of claim 55.

Robbins does not explicitly indicate wherein the recording media includes a hard drive, and/or a floppy drive, and/or an optical drive, but the examiner takes official notice that a recording media can include: a hard drive, and/or a floppy drive, and/or an optical drive.

See MPEP § 2144.03 for more details over official notice and common knowledge.

**Regarding claim 61,** Robbins teaches a method of selecting a radio channel (Column 11, lines 12 – 31), comprising the steps of:

receiving one or more digital radio channels (Column 11, lines 29 – 31) wherein one or more channels includes additional information that indicates the content of one or more of the channels;

Art Unit: 2155

comparing the information on one or more of the received digital radio channels with a user designated work of authorship to determine whether the user designated work of authorship is or will be playing on one or more of the digital radio channels; and alerting a user to a radio channel that is or will be playing the user designated work of authorship (Column 6, lines 17 – 24).

Robbins does not explicitly teach that the global communication network is a satellite audio radio network or that the receiving device is a mobile receiver.

Owens teaches a time shifting system which receives radio broadcasts and is able to record those broadcasts (Abstract) which are mobile in such they are located in a vehicle such as an automobile.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Owen's disclosure of time shifting radio stations in an automobile in Robbin's system in order to perform the time shifting while driving in an automobile (Column 1, lines 8 – 11).

Titlebaum teaches a mobile radio station receiver (Column 3, lines 51 – 62) that receives and displays content/authorship information from the broadcast device (Column 4, lines 49 – 59) which includes receiving satellite radio (Column 3, lines 51 – 62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to expand Robbin's teaching of a radio alert system to look for additional types of radio communications that include authorship information in the transmission such as satellite radio found in Titlebaum, in order to allow Robbin's the

increased functionality of working with even more types of radio and video communications.

**Regarding claim 62,** Robbins teaches the method of claim 61, further comprising decoding a radio channel from among the one or more digital radio channels (Column 11, lines 12 – 20).

**Regarding claim 63,** Robbins teaches the method of claim 61, wherein the information compared with the user designated work of authorship is information from the decoded radio channel (Column 11, lines 12 – 20).

**Regarding claim 64,** Robbins teaches the method of claim 61, wherein the information on the one or more radio channels comprises data indicating the particular work of authorship that is playing on one or more of the digital radio channels (Column 11, lines 12 – 20).

**Regarding claim 74,** Robbins teaches a receiver, comprising:

a mobile general purpose computer configured to receive one or more broadcast channels (Column 3, line 66 – Column 4, line 3), the general purpose computer also receiving data indicating what is being played on each channel (Column 4, lines 15 – 19);

wherein the general purpose computer includes a memory, the memory includes a playlist of user designated works of authorship and the general purpose computer is adapted to change channels to a specific broadcast channel if the data indicating what is being played on any channel matches a user request designated work in the playlist (Column 6, lines 17 – 24).

Robbins does not explicitly teach that the global communication network is a satellite audio radio network or that the receiving device is a mobile receiver.

Owens teaches a time shifting system which receives radio broadcasts and is able to record those broadcasts (Abstract) which are mobile in such they are located in a vehicle such as an automobile.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Owen's disclosure of time shifting radio stations in an automobile in Robbin's system in order to perform the time shifting while driving in an automobile (Column 1, lines 8 – 11).

Titlebaum teaches a mobile radio station receiver (Column 3, lines 51 – 62) that receives and displays content/authorship information from the broadcast device (Column 4, lines 49 – 59) which includes receiving satellite radio (Column 3, lines 51 – 62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to expand Robbin's teaching of a radio alert system to look for additional types of radio communications that include authorship information in the transmission such as satellite radio found in Titlebaum, in order to allow Robbin's the increased functionality of working with even more types of radio and video communications.

**Regarding claim 75,** Robbins teaches a method of selecting a radio channel, comprising the steps of:

using a receiver to receive one or more digital radio channels and data wherein the data indicates what work of authorship is being played on the one or more digital radio channels (Column 11, lines 29 – 31);

inputting a designation of a desired work of authorship into a memory of a general purpose computer (Column 5, lines 63 – 66), wherein the general purpose computer monitors the data received by the receiver; using the general purpose computer to monitor the data;

receiving an alert when the data matches the input designation of the desired work of authorship indicating that the desired work of authorship is being played on one or more of the digital radio channels (Column 6, lines 17 – 24).

Robbins does not explicitly state that the global communication network is a satellite audio radio network or that the receiving device is a mobile receiver.

Owens teaches a time shifting system which receives radio broadcasts and is able to record those broadcasts (Abstract) which are mobile in such they are located in a vehicle such as an automobile.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Owen's disclosure of time shifting radio stations in an automobile in Robbin's system in order to perform the time shifting while driving in an automobile (Column 1, lines 8 – 11).

Titlebaum teaches a mobile radio station receiver (Column 3, lines 51 – 62) that receives and displays content/authorship information from the broadcast device

(Column 4, lines 49 – 59) which includes receiving satellite radio (Column 3, lines 51 – 62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to expand Robbin's teaching of a radio alert system to look for additional types of radio communications that include authorship information in the transmission such as satellite radio found in Titlebaum, in order to allow Robbin's the increased functionality of working with even more types of radio and video communications.

**Regarding claim 76,** Robbins teaches a method of electing a radio channel, comprising the steps of:

receiving a digital audio radio channels and additional information from a satellite that indicates which works of authorship are being broadcast on each channel of at least 100 radio channels (Column 11, lines 29 – 31, where the reference can work with any number of radio channels, as long as its receivable and addressable, its able to monitor it);

comparing the information with a user designated work of authorship to determine whether the user designated work of authorship is playing on one or more of the audio radio channels (Column 5, lines 63 – 66); and

alerting a user to change to the one or more of the radio channels playing the user designated work of authorship when the information of one or more of the at least 100 channels corresponds to the user designated work of authorship (Column 6, lines 17 – 24).

Art Unit: 2155

Robbins does not explicitly state that the global communication network is a satellite audio radio network or that the receiving device is a mobile receiver.

Owens teaches a time shifting system which receives radio broadcasts and is able to record those broadcasts (Abstract) which are mobile in such they are located in a vehicle such as an automobile.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Owen's disclosure of time shifting radio stations in an automobile in Robbin's system in order to perform the time shifting while driving in an automobile (Column 1, lines 8 – 11).

Titlebaum teaches a mobile radio station receiver (Column 3, lines 51 – 62) that receives and displays content/authorship information from the broadcast device (Column 4, lines 49 – 59) which includes receiving satellite radio (Column 3, lines 51 – 62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to expand Robbin's teaching of a radio alert system to look for additional types of radio communications that include authorship information in the transmission such as satellite radio found in Titlebaum, in order to allow Robbin's the increased functionality of working with even more types of radio and video communications.

**Regarding claims 78 and 81,** Robbins teaches the method of claim 76.

Robbins does not explicitly indicate that the receiver for receiving radio channels are located in a vehicle or a car.

Owens teaches a time shifting system which receives radio broadcasts and is able to record those broadcasts (Abstract) which is located in a vehicle such as an automobile.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Owen's disclosure of time shifting radio stations in an automobile in Robbin's system in order to perform the time shifting while driving in an automobile (Column 1, lines 8 – 11).

**Regarding claim 77**, Robbins teaches the method of claim 76, further indicated which works of authorship are being broadcast on each channel of at least 100 digital radio channels (Column 6, lines 39 – 47)

Robbins does not explicitly indicate receiving the information from a terrestrial repeater of the information from a satellite, wherein the information from the terrestrial repeater also indicated which works of authorship are being broadcast on one or more of the at least 100 digital satellite audio radio channels.

Titlebaum teaches the information from the terrestrial repeater also indicated which works of authorship are being broadcast (Column 3, lines 44 – 50)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to expand Robbin's teaching of a radio alert system to look for additional types of radio communications that include authorship information in the transmission such as satellite radio found in Titlebaum, in order to allow Robbin's the increased functionality of working with even more types of radio and video communications.

**Claims 46 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robbins in view of Brown and view of Owens, and further in view of Barton (6233389).**

**Regarding claims 46 and 57,** Robbins teaches the method of claims 45 and 56.

Robbins does not explicitly indicate that the desired content is recorded in a MPEG or .WAV format.

Barton teaches a data stream recording device that stores data in MPEG format (Column 2, lines 10 – 14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Barton's teaching in Robbin's system in order to allow good compression with the data being stored, while allowing the user to be able to simultaneously view or listen to the data that is being stored (Column 1, lines 63 – 67).

**Claims 49, 59, 79, and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robbins in view of Brown and view of Owens, and further in view of Wall (6055244).**

**Regarding claims 49, 59, 79, and 80,** Robbins teaches the method of claims 43 52, and 76.

Robbins does not explicitly indicate that the designation of a work of authorship is selected from the group comprising titles, segments of titles, key phrases and key words.

Wall teaches a radio data stream that includes an identifier which includes titles and other information (Figure 8; Column 4, lines 43 – 64)).

It would have obvious to one of ordinary skill in the art at the time the invention was made to use Wall's teaching of data stream identifiers in Robbins system in order to have a more descriptive identifier contained with in the stream to display and inform the user in English what program he is listening to or reserving to record (Column 1, lines 31 – 42).

### ***Response to Arguments***

Applicant's arguments filed January 4, 2007 have been fully considered but they are not persuasive.

The applicant argues that the reference, Robbins, discloses a main receiver and an auxiliary receiver that perform the operations of the system, while the claimed invention only contains a single mobile receiver that performs all the functions without the need have additional receivers.

Regarding Figure 8(a), Robbins teaches a receiver system (802). This receiver system receives a data stream input (814). This receiver system receives ID codes, extracts the information, and stores it (Column 40, lines 28 – 34). The receiver system also scans data streams, extracts other ID codes and compares the received ID codes with the stored ID codes (Column 40, lines 36 – 41). The applicant is arguing that after the receiver system receives the input signal, it uses a main receiver and auxiliary receivers to scan, parse the data signal, and extract the authorship information and since the claimed invention only shows a single receiver performing that operation, it is distinguished from the prior art. The claimed invention, in light of the specification, does

not contain any hardware embodiments that support the applicant's argument. On page 6, first full paragraph, the specification teaches software installed on a digital broadcast receiving unit, e.g., a satellite radio receiver. That receiver is capable of receiving multiple channels of media. The applicant further relies on page 19, first and second full paragraph and page 22, example three to support the distinguishing feature of the claimed invention. There is no clear teaching in any of those sections or any other part of the specification that supports the idea that the claimed invention teaches any more than a receiver system such as Figure 8(a), element 802, to receive the data streams and compare the extracted information to tune the user to the desired information. The specification of the claimed invention contains no hardware detail to describe how these steps are taken, while Robbins does teach the hardware embodiment including the named receivers.

The applicant contends that the combination does not teach a satellite radio signal and additional information which relates to work of authorship provided along with the satellite radio channel or in the manner consistent with the invention. The applicant also contends that the references are not in the same field of endeavor as the invention. The examiner disagrees, the reference, Robbins teaches numerous embodiments of the invention in which a broadcast signal is received along with a work of authorship by a receiver, that any and all of those signals and additional information can be used in this software idea of scanning those channels or broadcasts and alerting the user based on the scanned authorship codes. Now this provides motivation in itself to since Robbins shows all these types of broadcast means that can take advantage of Robbins' alerting

Art Unit: 2155

system, what other types of broadcast means includes the same type of broadcast and authorship information. One would find such a broadcast in the reference, Titlebaum, where it is discloses that satellite radio broadcasts have the combination transmission of a content broadcast along with additional information of authorship, as seen by the receiver's ability to display the authorship. This leads to an obvious combination, since television systems (Column 5, lines 43 – 51), radio broadcasts (Column 6, lines 39 – 51), and websites (Column 8, lines 8 – 26) are all supported by Robbins' system, then satellite radio, which includes the same combination of factors, a broadcast and additional identification information as shown in Titlebaum, would also be supported by Robbins' software system. And since both Robbins and Owens are solving the time-shift problem they are analogous and Robbins' and Titlebaum are dealing with broadcast receivers of different type, they are also analogous this making the combination valid.

Finally, the applicant argues that the combination is not a *prima facie* case or has been made in hindsight. The examiner disagrees, as seen in the previous response, the combination covers all the limitations of the claims, the art is analogous, and there is motivation to combine based on the teaching in Robbins, not in hindsight.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

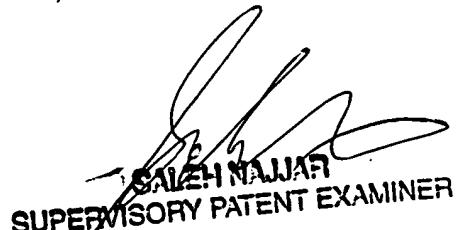
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER